

REMARKS

This Response, filed in reply to the Office Action dated November 19, 2007, is believed to be fully responsive to each point of objection and rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 56, 57, 61-66, 71-78 and 81 are rejected. Claim 56 is amended herewith to incorporate the subject matter of Claims 57, 68 and 74. Claims 55, 57, 68 and 74 are canceled herewith, and the dependency of Claims 60, 69, 75 and 80-81 is amended accordingly. Upon entry of this amendment, Claims 56, 58, 60-67, 69-73 and 75-81 will be all the claims pending in the application. No new matter is added by way of this amendment. Entry and consideration of this amendment are respectfully requested.

Claim to Priority

Applicants thank the Examiner for acknowledging Applicants' claim to priority, and receipt of all the foreign priority documents.

Information Disclosure Statements

Applicants thank the Examiner for returning a signed and initialed copy of the PTO Form SB/08 that accompanied the Information Disclosure Statement filed November 22, 2002.

Election/Restrictions

On page 2 of the Office Action, the Examiner acknowledges Applicants' election of Formula 2A, and intermediate 19, wherein: L⁴ is -(CH₂)₂-CO-NH-, R⁷ is [CH₂-CH₂-O]_n, -L¹ is -CO-NH-(CH₂)₆-, L³ is (CH₂)₂-CO-NH-, R⁶ is (CH₂)₂₃, R² is hydrogen, and R³ and R⁴ each

represent -CH₂-NH-(CH₂)₄-NH-(CH₂)₃-NH(CH₃), and TM is a maleimido residue. The Examiner indicates that Applicants have made the election of Formula 2A without traverse.

However, Applicants respectfully point out that election of the species intermediate 19 and Fab' fragment were made with traverse.

The Examiner is respectfully requested to reconsider the species election in light of Applicants' traversal arguments.

Claims 56, 61-66, 71-73, 75-78 and 81 are Adequately Described Under 35 U.S.C. § 112, first paragraph

On page 2 of the Office Action, Claims 56, 57, 61-66, 71-78 and 81 are rejected under 35 U.S.C. §112, first paragraph, for allegedly lacking adequate written description.

1. In one aspect of the rejection, the Examiner asserts that recitation of “targeted” in the phrase “targeted lipid particle” is meaningless or misleading.

Applicants respectfully disagree. However, without agreeing with the rejection, and solely in the interest of compact prosecution, Applicants herewith amend Claim 56 to recite “A lipid represented by formula (2a).” Applicants respectfully submit that the amendment renders this aspect of the rejection moot.

2. In a second aspect of the rejection, the Examiner asserts that the expressions “multipolar lipids,” “polyanions,” “targeting molecules,” “oligocation,” “bipolar lipid,” and “linker atom or group” are broad and vague as to their chemical nature.

Applicants respectfully disagree. Specifically, with regard to recitation of “multipolar lipids” or “polyanions,” or “oligocation,” Applicants respectfully point out that the claims as amended do not recite as such, and thus the rejection over these terms is moot.

With regard to recitation of “targeting molecules”, without agreeing with the rejection, and solely in the interest of compact prosecution, Applicants herewith amend Claim 56 to incorporate the limitations of Claim 57, namely that the targeting molecule is an antibody, or an antigen-binding fragment or derivative thereof. Applicants respectfully submit that the amendment overcomes this aspect of the rejection.

With regard to recitation of “linker atom or group”, Applicants note that the Examiner has failed to set forth sufficient reasons why this phrase is vague or indefinite. Rather, Applicants respectfully submit that one of skill in the art would fully understand the bounds of such a phrase. Nevertheless, in the interest of compact prosecution, Applicants herewith Claim 56 to even further define the L³ group. Applicants respectfully submit that the amendment overcomes this aspect of the rejection.

In view of the above, Applicants respectfully submit that the claims fully comply with the requirements of section 112, and that the claims are adequately supported such that one of skill in the art would understand Applicants to be in possession of the subject matter as claimed.

Withdrawal of the written description rejection is therefore respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Susan J. Mack
Registration No. 30,951

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: April 21, 2008